

Special and Regular Meeting of Tuesday, August 10, 2010
CITY COUNCIL CHAMBERS, ONE TWIN PINES LANE

SPECIAL MEETINGS

CLOSED SESSION - 7:00 P.M.

- A. Conference Pursuant to Government Code Section 54957 Regarding Public Employee Performance Evaluation: City Attorney
- B. Conference with Labor Negotiator, Thomas Fil, pursuant to Government Code Section 54957.6: Unrepresented Management

Attended by: Councilmembers Feierbach, Wozniak, Warden, Braunstein, Lieberman, Acting City Manager/Finance Director Fil, City Attorney Zafferano, Special Counsel Roufougar. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:35 P.M.

Terri

Cook

City Clerk

This meeting was not tape recorded or videotaped.

REGULAR MEETING –

CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Warden, Wozniak, Braunstein, Lieberman

COUNCILMEMBERS ABSENT: None

Staff Present: Acting City Manager/Finance Director Fil, City Attorney Zafferano, Human Resources Director Dino, Police Chief Mattei, Building Official Nolfi, Executive Assistant Stallings, Project Manager Mittelstadt, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Christine Maley-Grubl, Executive Director of Commute.org.

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated that direction was given and no action taken on Closed Session Item B (Conference with Labor Negotiator re Unrepresented Management), and that Closed Session Item A (City Attorney Evaluation) would be continued after adjournment of the regular meeting.

SPECIAL PRESENTATIONS

Oath of Office for Corporal Peter Lotti

Police Chief Mattei stated that he supports any opportunity to promote from within the Department. He commented that promotions are taken seriously, and they represent the future of the organization. He discussed the promotion process, and noted that he often has difficult choices. He provided a background of Corporal Lotti, and outlined his accomplishments during his tenure with the Department. He noted the many letters and commendations that he has received.

City Clerk Cook administered the Oath of Office, and Corporal Lotti's wife pinned his badge.

Peninsula Traffic Congestion Relief Alliance

Christine Maley-Gruble, Executive Director of the Peninsula Traffic Congestion Relief Alliance (Commute.org), provided an overview of the organization's recent strategic planning process. She described their mission statement, and noted that it addresses four program areas: employer outreach, working with commuters, working with public and private partners, and strengthening organizational capacity. She outlined the priorities for the implementation of all the recommendations.

Mayor Wozniak stated that it is important to focus on priorities. She expressed appreciation for the Alliance's work in Belmont, and noted that it assisted in getting more bike racks installed.

In response to Councilmember Feierbach, Ms. Maley-Grubl stated that approximately 4,100 people participated in Bike to Work Day this year, which is an increase from previous years.

Councilmember Lieberman stated that transit has done a good job addressing the north/south corridor, and he questioned what improvements could be done for the east/west corridor.

Ms. Maley-Gruble stated that the use of employer shuttles has increased, and that Commute.org is working with Sam Trans to improve transit opportunities. She noted the need to be cost effective.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Kathleen Beasley, Library Manager, outlined upcoming programs being offered at the Library in collaboration with the Parks and Recreation Department, including monthly movies, before-hours tour and brunch, a book group, and an upcoming author event.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Braunstein described some of the activities that took place throughout Belmont during National Night Out on August 3rd.

Mayor Wozniak announced that the second City Council meeting in August had been canceled, but that there may be a need for a special meeting. She also reminded residents that schools would be resuming in the coming weeks. She stated that a special ceremony would be held on August 15th to celebrate the opening of the new school in Redwood Shores. She announced upcoming Lunches with the Mayor.

AGENDA AMENDMENTS

Councilmember Braunstein requested the removal of Consent Item 4-C (Resolution Adopting the Sewer System Management Plan (SSMP) per the Statewide General Waste Discharge Requirement (GWDR), and Councilmember Feierbach requested the removal of Consent Item 4-H (Resolution Approving the Establishment of New Posted Parking Restrictions on the South Side of Ralston Avenue between Twin Pines Lane and Sixth Avenue) for separate consideration.

Councilmember Warden stated that although he would not be pulling the item from the Consent Calendar for separate consideration, he would be registering his no vote on Item 4-G (Resolution Authorizing the City Manager to Pay HEART of San Mateo County 2010-11 Membership Fees in the Amount of \$9,436).

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special Meeting of July 7, 2010, Special Meeting of July 21, 2010, and Special Meeting of July 26, 2010

Adoption of Solid Waste Ordinance 1051

Approval of Resolution 10269 Delegating Authority to the Finance Director for Matters Relating to the CSAC-Excess Insurance Authority

Approval of Resolution 10270 Supporting Proposition 22: The Local Taxpayer, Public Safety and Transportation Protection Act of 2010

Approval of Resolution 10271 Authorizing the Belmont Police Department to Enter Into a Contract not to exceed \$107,575.51 with AT&T for Installation and Maintenance of Replacement 9-1-1 System.

Approval of Resolution 10272 Authorizing the City Manager to Pay HEART of San Mateo County 2010-11 Membership Fees in the Amount of \$9,436

Approval of Resolution 10273 Authorizing Purchase Order to Innovative Tech Works for Replacement of Scala Bulletin Board Hardware in an Amount not to exceed \$5,700

Approval of Resolution 10274 Approving the Conversion of the 2-Way Stops Located at the Intersections of Fifth Avenue and Harbor Boulevard and Fifth Avenue and Broadway into 4-Way Stops

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved, as amended, by a show of hands.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Adopting the Sewer System Management Plan (SSMP) per the Statewide General Waste Discharge Requirement (GWDR)

Councilmember Braunstein requested clarification as to how the City plans to perform inspections for the Fats Oils and Grease (FOG) Control Program. He expressed concern regarding adding this task to the workload of city staff, and noted that some cities outsource this work. He also requested a mechanism for regular reporting to the City Council regarding successes and how to identify trends, as well as a communication program with provisions for public input.

Interim Public Works Director Gervais responded that a communication and public outreach plan needs to be developed.

Councilmember Lieberman noted that some cities have been sued and have paid fines because they had no plan in place, and have experienced spills. He expressed a desire to communicate Belmont's program and its success.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Lieberman, Resolution 10275 Adopting the Sewer System Management Plan (SSMP) per the Statewide General Waste Discharge Requirement (GWDR) was unanimously approved by a show of hands.

Resolution Approving the Establishment of New Posted Parking Restrictions on the South Side of Ralston Avenue between Twin Pines Lane and Sixth Avenue

Councilmember Feierbach expressed concerns regarding the impact on adjacent businesses of the extended parking restriction in the late afternoon.

Councilmember Warden recommended extending the parking restriction in the morning hours until 10:00 a.m., and reducing the amount of parking restriction in the afternoon. He expressed concern regarding the inability to use the right-turn pocket.

Assistant Engineer Palatnik stated that the City has received multiple complaints regarding the inability of drivers to make a right-hand turn from Ralston to Sixth Avenue when cars are parked in these spaces. She explained that the adjacent business have advised that the proposal would not affect them. She noted that patrons are encouraged to park in the adjacent parking lot.

Councilmember Lieberman noted that eastbound traffic can be affected in the afternoon due to school schedules. He stated that if the adjacent businesses have no issue, he supports the prohibition until 6:00 p.m., and he also supports the extension of the morning parking restriction to 10:00 a.m.

ACTION: On a motion by Councilmember Warden, seconded by Mayor Wozniak, Resolution 10276 Approving the Establishment of New Posted Parking Restrictions on the South Side of Ralston Avenue between Twin Pines Lane and Sixth Avenue, amended to prohibit parking from 7:00 a.m. to 10:00 a.m., and from 2:00 p.m. to 5:00 p.m., was unanimously approved by a show of hands.

HEARINGS

Public Hearing to Consider an Extension of Urgency Ordinance 1051 Pursuant to Government Code Section 65858(a) Imposing a Moratorium on Issuance of New Massage Technician and Massage Establishment Permits

City Attorney Zafferano explained that this ordinance extends Urgency Ordinance 1051 that was adopted at the last City Council meeting. He clarified that Ordinance 1051 is only effective for 45 days, which will not be sufficient time to revise the regulations for massage permits. He added that no comments or inquiries have been received since enactment of the urgency ordinance.

In response to Councilmember Lieberman, City Attorney Zafferano clarified that the moratorium is not applicable to certified therapists who maintain existing facilities.

Mayor Wozniak opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a show of hands.

Councilmember Lieberman recommended amending the ordinance to provide that any facility which employs all California Massage Therapist Certified practitioners the ability to move to a different location during the timeframe outlined by the moratorium, as long as they are not increasing or expanding their business.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Warden, Ordinance 1053 Extending Urgency Ordinance 1051 Pursuant to Government Code Section 65858(a) Imposing a Moratorium on Issuance of New Massage Technician and Massage Establishment Permits, and amended to remove verbiage as outlined by Councilmember Lieberman, was unanimously approved by a show of hands.

Public Hearing to Consider Adoption of a Resolution Accepting the Report of Sewer Service Charges for Fiscal Year 2010-2011, and Directing the Filing of Charges for Collection by the County Auditor

Acting City Manager/Finance Director Fil clarified that this is a ministerial action that provides for the transmittal of the sewer charges to the County Assessor's office for collection on the tax rolls.

Councilmember Warden stated that he would support this resolution since it is ministerial only, even though he did not support the sewer rate increase.

Mayor Wozniak opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a show of hands.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Lieberman, Resolution 10277 Accepting the Report of Sewer Service Charges for Fiscal Year 2010-2011, and Directing the Filing of Charges for Collection by the County Auditor was unanimously approved by a show of hands.

NEW BUSINESS

Update Regarding the San Mateo County Smart Corridors Project

Interim Public Works Director Gervais stated that this informational report is being presented in advance of a future Memorandum of Understanding (MOU) that will outline the maintenance and ownership agreement for this project.

Assistant Engineer Corpus explained that Smart Corridors is a way to proactively manage the impact of traffic on local neighborhoods when a major incident disrupts freeway travel. She noted that the purpose is to guide vehicles to pre-selected routes and to keep them off other streets. She outlined the project limits and routes, and described the intelligent traffic system devices such as trailblazer signs, dynamic signs, fixed cameras, and point/tilt/zoom cameras. She pointed out where the devices would be located, and described the operation of the system when an incident occurs. She clarified that there will be no cost to the City of Belmont for this project.

In response to Council questions, Assistant Engineer Corpus clarified that the system is activated only in the event of an accident or other incident that closes some or all lanes of the freeway, and not when the issue is just heavy traffic. She explained that the City will own the equipment, but C/CAG (Cities and Counties Association of Governments) will maintain it. She clarified that the proposed equipment represents an upgrade to the existing controller boxes on the signals.

Interim Public Works Director Gervais explained that the City would have access to the visual data provided through the system.

Councilmember Lieberman noted the advantage of routing traffic in the event of a major incident, and the ability to synchronize traffic lights in order to keep traffic moving. He stated this would result in more incentive for vehicles to remain on El Camino Real and not travel into neighborhoods.

Police Chief Mattei expressed support for this program, and noted it is a good start to address this issue regionally. He noted that similar systems are in place on the east coast and are used only in the event of a major incident.

Councilmember Braunstein expressed concern regarding future revisions to the MOU that may be made by other cities after Belmont has signed the agreement. He recommended consideration of waiting to sign last.

Paul Brownlee, Belmont resident, described a smart radio system that can reroute traffic using GPS or cell phones, which would not necessitate the need for signage.

Update Regarding the New Municipal Regional Permit from the Regional Water Quality Control Board (RWQCB)

Interim Public Works Director Gervais noted that the City of Belmont has done a good job addressing source-point pollution, and the new regional permit system intends to address non-point pollution.

Matthew Fabry, Program Coordinator, San Mateo County Storm Water Pollution Prevention Program (SMSWPP), described the new permit program that will be initiated in all cities within San Mateo County. He explained that funding comes from a tax assessment as well as some monies from the Vehicle License Fee (VLF). He noted that the new regional permit is prescriptive for enforcement, and will attempt to meet the goal of 100 percent elimination of trash in storm water by the year 2022.

Mr. Fabry described the mandates outlined in the program, including trash capturing devices, hot spot cleanup, low-impact development design requirements, and road installation. He also described the monitoring program, and explained that pollutants and pesticides are the biggest concern. The program requires a response plan. He stated that under the current funding mechanism will result in a deficit at the end of the permit term. He described ways to address the deficit. He noted that some cities have filed unfunded mandate claims.

Mr. Fabry stated that there is a proposed \$10 additional VLF on the November ballot for storm water pollution programs. He outlined potential future Proposition 218 hearings that could provide additional funds, and he stated that grants may be available.

Interim Public Works Director Gervais stated that several City departments are working on this program and permit, primarily the Public Works Department.

RECESS: 9:20 P.M.
RECONVENE: 9:30 P.M.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Braunstein stated that he attended a meeting of the South Bayside System Authority (SBSA) as the alternate. He stated that SBSA will be issuing a bond in June 2011 for the capital project in an amount between \$80 and \$200 million. He noted that a capital improvement program progress report will be made at a future City Council meeting.

Councilmember Lieberman explained that Belmont's share of the capital project will be 10 percent.

Update on High Speed Rail

Mayor Wozniak stated that she attended a California High Speed Rail (HSR) meeting wherein a ruling was made on the Alternatives Analysis. She noted that HSR is applying for stimulus funds from the federal government. She expressed her disappointment in this ruling, as the cities have been working hard on the various issues surrounding high speed rail. She explained that Belmont's only option is a raised viaduct or berm. She expressed the need for Belmont to address this issue seriously, and she presented a draft letter to the federal government that she would like the City Council to consider. She stated that the viaduct or berm represents the lowest cost solution, and cities are being told that if they want a different option, they need to pay for it. She explained that other cities received other options because they spoke out, and Belmont should have spoken earlier.

Councilmember Feierbach expressed support for the letter, and stated it should be sent to newspapers throughout the nation as well as directly to President Obama. She noted that some cities want high speed rail because they want the development that it will bring. She explained that the stimulus funds were applied for the San Francisco to Redwood City portion of the route.

Councilmember Warden expressed support for the letter with some modifications.

Councilmember Lieberman expressed the desire to find the method that will have the most impact. He recommended that the member cities of the Peninsula Consortium of Cities (PCC) write a coordinated response. He expressed the desire to ensure that the facts as stated in the letter are correct. He agrees with the sentiment of the letter, but expressed concern regarding some of the content.

Mayor Wozniak expressed concern regarding timing, since the application for funds has already been made.

Councilmember Warden expressed support for PCC cities to prepare individual letters, with a coordinated delivery.

Mayor Wozniak stated that elected representatives would not likely support the letter since stimulus monies would be coming to the State of California.

Kristen Mercer, Belmont resident, expressed support for the letter. She noted that cities were told to take a context-sensitive approach, and that feedback to the alternatives analysis would be included in the Final Environmental Impact Report. She stated that the decision has now been published, alternatives are off the table, and federal stimulus monies have been applied for. She noted that monies are likely to come quickly. She recommended circulating the draft letter among other cities' consultants for accuracy. She stated there is a sense of urgency.

David Stumbo, Belmont resident, stated that it is a bad idea to oppose high speed rail. He noted that the alternative is to widen freeways. Fighting this project is not an effective use of time and resources. There is a need to get people off the roads.

Discussion ensued regarding the draft letter. Council concurred to have the facts checked in the letter.

Councilmember Warden questioned whether the process for this project has been violated, including the environmental process.

Mayor Wozniak expressed the need for visual renderings of the high speed rail in Belmont, and she stated that funding should be allocated for this.

Designation of Voting Delegate for League of California Cities Annual Conference and Discussion Regarding Resolutions to be Considered at the Conference

City Clerk Cook stated that if the City Council wishes to vote on pending resolutions that will be considered at the League of California Cities Annual conference in September, it is required to designate a voting delegate. She noted that at this time, no Council member has signed up for the conference. She stated that the City Attorney and the new City Manager will be attending.

City Attorney Zafferano recommended that Councilmembers consider attending. He stated that he may not be able to stay for the Business Meeting wherein the resolutions would be considered.

Councilmember Warden stated that he attended an annual conference once, and he described the activities. He encouraged others to consider the conference.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Warden, and unanimously approved by a show of hands to designate Mayor Wozniak as the Delegate and City Attorney Zafferano and new City Manager Scoles as Alternate Delegates for the League of California Cities Annual Conference.

Verbal report from Interim City Manager

Interim City Manager Fil stated that letters to the schools regarding the Redevelopment Agency pass-through monies were being drafted. He noted that he attended a luncheon hosted by the San Mateo County Association of Realtors. He explained that the Library was experiencing some lighting issues. Progress is being made at the Shoreway economic development site. He reported that he and Human Resources Director Dino met with San Carlos's consultant for the fire department dissolution.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and Direction Regarding Potential Resolution Outlining Belmont's Position on High Speed Rail, and direction regarding positioning of story poles to show height of rail project (Feierbach)

Councilmember Feierbach stated that the resolution from the City of Orange could be used as a model for a similar resolution in Belmont regarding the City's position on high speed rail. She noted that some components of Orange's resolution were applicable, and some were not. She stated that it is important that Belmont take a position on this project. She also expressed the need to erect story poles to illustrate the height of the proposed high speed rail project.

Interim Public Works Director Gervais indicated that it was possible that the installation of story poles could be performed in-house.

MEETING EXTENSION at this time, being 10:30 P.M., on a motion by Councilmember Braunstein, seconded by Councilmember Feierbach, the meeting was unanimously extended to 11:00 P.M. by a show of hands.

Councilmember Braunstein expressed support for the installation of story poles and an artist's rendering of the project.

In response to Councilmember Warden, Mayor Wozniak indicated that Highway 101 was not being considered as a location for high speed rail because high speed rail is trying to save Cal Train. She noted that many of those involved with Cal Train are also involved with the High Speed Rail Authority.

Kristin Mercer, Belmont resident, expressed support for preparing an artists' rendering. She noted that she has not been successful in locating a rendering or photo of a 4-lane high-speed rail project. She clarified that the City of Orange opposes high-speed rail in its entirety. She expressed support for high-speed rail in California, but not on the Peninsula corridor. She explained that the Peninsula route was chosen without environmental review. She recommended that highway 101 or the East Bay be chosen as a better route. She stated that accurate ridership information is needed, as is an Environmental Impact Review.

George Zaback, Belmont resident, recommended contacting members of Congress and the California legislature. He stated that funds are needed to improve the existing rail system, and noted that high-speed rail in rural areas would be similar to what exists in other countries. He stated that the rail system needs to be attractive.

George Burgess, Belmont resident, stated that his impression following the May 26th presentation was that high-speed rail would be coming on the Peninsula, and would be an aerial alignment. He expressed support for having an artist's rendering. More information is needed, including how high-speed rail will improve Belmont.

Kim Rothchild, Cal Train, clarified that Highway 101 was considered as an alternate route, and that the Cal Train corridor was chosen before the federal funding issue arose. She noted that the determination was made that the Cal Train corridor provides an easier transition to San Francisco.

David Stumbo, Belmont resident, noted that high-speed rail in Japan is routed through cities.

Discussion ensued regarding details of the proposed resolution. Councilmember Warden recommended that the resolution be Belmont-specific. Councilmember Lieberman expressed support for allocating funds for an artist's rendering. Acting City Manager Fil recommended allocating \$5,000.

Interim Public Works Director Gervais recommended that staff explore options on performing the rendering in-house, and if additional expenditures are needed, staff would return to the City Council for authorization.

Council concurred to have staff work on a resolution regarding Belmont's position on high-speed rail, and to look into options for an artistic or photographic rendering of high-speed rail in Belmont.

ADJOURNMENT at this time, being 10:45 P.M., to consider Redevelopment Agency Meeting, followed by:

Continued Closed Session to Consider:

- A. Conference Pursuant to Government Code Section 54957 Regarding Public Employee Performance Evaluation: City Attorney

Attended by: Councilmembers Feierbach, Wozniak, Warden, Braunstein, Lieberman, and City Attorney Zafferano. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 11:05 P.M., Closed Session Item A continued to a date uncertain.

Terri

Cook
City Clerk

Meeting Tape Recorded and Videotaped (not Closed Sessions)
Audio Recording 766